

*DAC*  
*IM*

PATENT  
Attorney Docket 063373-5013-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Brendon Conlan *et al.***

Application No. 10/006,241

Filed: **December 7, 2001**

For: **Removal of Biological Contaminants**

Art Unit: **Not Assigned**

Examiner: **Not Assigned**

U.S. Patent and Trademark Office  
Customer Window, **Mail Stop Petition**  
Randolph Building  
Alexandria, VA 22314

**RENEWED PETITION FOR REVIVAL OF A U.S. PATENT APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Pursuant to the provisions of 37 C.F.R. § 1.137(b), Applicants hereby provide a renewed petition for revival of an unintentionally abandoned U.S. Patent Application. A petition filed by Applicants' previous counsel was dismissed on July 13, 2004 as the signature page of inventor Tracey Ann Edgell was missing.

Applicants hereby petition for revival of this application and include the following items:

1. Petition Fee Under 37 C.F.R. 1.17(m): **The Commissioner is hereby authorized to charge \$750.00 to Deposit Account 50-0310 of the petition fee.**

2. Revocation of Original Power of Attorney and Grant of New Power of Attorney: Applicants enclose a copy of the Revocation of Original Power of Attorney and Grant of New Power of Attorney as filed with the U.S. Patent Office on February 14, 2005.

3. Extension of Time: Applicants petition for a five-month extension of time from September 13, 2004 to February 13, 2005 to respond to the Decision dated July 13, 2004. This response is being filed under the next business day rule on Monday, February 14, 2005 as the due date for responding fell on a Sunday (February 13, 2005). **The Commissioner is hereby authorized to charge \$1,080.00 to Deposit**

**Account 50-0310** for payment of the five-month extension of time fee. The Commissioner is hereby

02/16/2005 MBEYENE1 00000104 500310 10006241

01 FC:2453 750.00 DA  
02 FC:2255 1080.00 DA

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authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

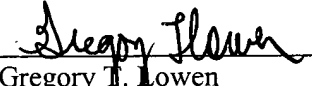
4. Proper Response: The proper response requirements in the form of executed Declarations from all of the inventors are enclosed herewith.

5. Terminal Disclaimer: Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

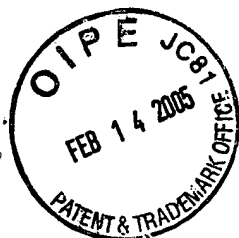
6. Statement: The entire delay in filing 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Dated: **February 14, 2005**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Gregory T. Lowen  
Registration No. 46,882

56104576-25

**DECLARATION AND POWER OF ATTORNEY**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **REMOVAL OF BIOLOGICAL CONTAMINANTS**, the specification of which was filed on January 2, 2002, as a U.S Patent Application No. 10/037,004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

Application No.:	Country:	Filing Date:	Certified Copy Attached?
PP7906	AU	12/23/1998	NO

I hereby claim the benefit under Title 35, United States Code, §§ 119(e) of any United States provisional application(s) listed below:

**PRIOR PROVISIONAL APPLICATION(S)**

Application Number	Filing Date
- None -	

56104576-25

I hereby claim the benefit under Title 35, United States Code § 120, of any United States application(s) listed below or under § 365(c) of any PCT international application(s) designating the United States of America listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

**PARENT APPLICATION(S)**

Application No.:	Country:	Filing Date:	Certified Copy Attached?
09/877,371	US	06/22/2001	NO
09/470,823	US	12/23/1999	NO

---

And I hereby appoint James David Jacobs (Reg. No. 24,299) and Frank M. Gasparo (Reg. No. 44,700) as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications regarding this application to:

Frank M. Gasparo, Esq.  
Customer Number 26453  
**BAKER & McKENZIE**  
805 Third Avenue  
New York, New York 10022

Please direct all telephone calls to Eunhee Park at (212) 751-5700.

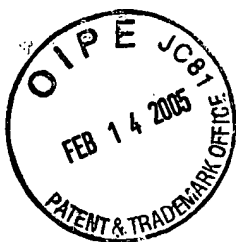
I hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

56104576-25

**First Inventor: Brendon Conlan****Inventor's Signature:** \_\_\_\_\_**Date:** \_\_\_\_\_**Residence:** 14/19-21 Murrumbidgee Street, Lane Cove  
Sydney, NSW, 2066  
Australia**Citizenship:** Australia**Post Office Address:** Same as above.**Second Inventor: Tracey Ann Edgell****Inventor's Signature:** T. Edgell**Date:** 25/1/05**Residence:** Unit 2, 7 Holborn Avenue  
Dee Why, NSW 2099  
Australia2, EGRET COURT  
BLIND BIGHT  
VIC 3980  
AUSTRALIAT. Edgell  
25/1/05**Citizenship:** ~~Australia~~ BRITISH**Post Office Address:** Same as above.**Third Inventor: May Lazar****Inventor's Signature:** \_\_\_\_\_**Date:** \_\_\_\_\_**Residence:** 14 Hamersly Street  
Fairfield West, NSW 2165  
Australia**Citizenship:** Australia**Post Office Address:** Same as above.**Additional inventors are being named on page 4 of 4.**

Page 3 of 4

(NYC) 375616.1



56104576-26

**DECLARATION AND POWER OF ATTORNEY**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **REMOVAL OF BIOLOGICAL CONTAMINANTS**, the specification of which was filed on December 7, 2001, as a U.S Patent Application No. 10/006,241.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

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I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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**PARENT APPLICATION(S)**

Application No.:	Country:	Filing Date:	Certified Copy Attached?
09/931,342	US	08/16/2001	NO
09/470,823	US	12/23/1999	NO

---

And I hereby appoint James David Jacobs (Reg. No. 24,299), Frank M. Gasparo (Reg. No. 44,700) and Eunhee Park (Reg. No. 42,976) as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications regarding this application to:

Frank M. Gasparo  
Customer Number 26453  
BAKER & McKENZIE  
805 Third Avenue  
New York, New York 10022

Please direct all telephone calls to Frank M. Gasparo at (212) 751-5700.

I hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor: **Brendon Conlan**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 14/19-21 Murrumbidgee Street, Lane Cove  
Sydney, NSW, 2066  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Second Inventor: **Tracey Ann Edgell**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Unit 2, 7 Holborn Avenue  
Dee Why, NSW 2099  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Third Inventor: **May Lazar**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 14 Hamersly Street  
Fairfield West, NSW 2165  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Additional inventors are being named on page 4 of 4.

Fourth Inventor: **Chenicheri Hariharan Nair**

Inventor's Signature: \_\_\_\_\_

Date: 1 March 2001

Residence: 80 Tomac Avenue  
Old Greenwich, CT 06870  
US

Citizenship: Australia

Post Office Address: Same as above.

Fifth Inventor: **Elizabeth Jean Seabrook**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Unit 8, 4-6 Lynvale Close  
Lane Cove, NSW 2066  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Sixth Inventor: **Thomas Norman Turton**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Unit 14, 40 Gerard Street, Cremorne  
Sydney, NSW, 2090  
Australia

Citizenship: Australia

Post Office Address: Same as above.



56104576-26

**DECLARATION AND POWER OF ATTORNEY**

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Application Number	Filing Date
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Application No.:	Country:	Filing Date:	Certified Copy Attached?
09/931,342	US	08/16/2001	NO
09/470,823	US	12/23/1999	NO

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And I hereby appoint James David Jacobs (Reg. No. 24,299), Frank M. Gasparo (Reg. No. 44,700) and Eunhee Park (Reg. No. 42,976) as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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First Inventor: **Brendon Conlan**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 14/19-21 Murrarie Street, Lane Cove  
Sydney, NSW, 2066  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Second Inventor: **Tracey Ann Edgell**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Unit 2, 7 Holborn Avenue  
Dee Why, NSW 2099  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Third Inventor: **May Lazar**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 14 Hamersly Street  
Fairfield West, NSW 2165  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Additional inventors are being named on page 4 of 4.

Fourth Inventor: **Chenicheri Hariharan Nair**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 80 Tomac Avenue  
Old Greenwich, CT 06870  
US

Citizenship: Australia

Post Office Address: Same as above.

Fifth Inventor: **Elizabeth Jean Seabrook**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Unit 8, 4-6 Lynvale Close  
Lane Cove, NSW 2066  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Sixth Inventor: **Thomas Norman Turton**

Inventor's Signature: T Turton

Date: 5/03/2002

Residence: Unit 14, 40 Gerard Street, Cremorne  
Sydney, NSW, 2090  
Australia

Citizenship: Australia

Post Office Address: Same as above.



PATENT  
Attorney Docket 063373-5013-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Brendon Conlan *et al.***

Application No. 10/006,241

Filed: **December 7, 2001**

For: **Removal of Biological Contaminants**

Art Unit: **Not Assigned**

Examiner: **Not Assigned**

Commissioner for Patents  
Alexandria, VA 22314

**REVOCATION OF ORIGINAL POWER OF ATTORNEY**  
**AND GRANT OF NEW POWER OF ATTORNEY**

Assignee hereby revokes the previous Power of Attorney in the application serial number shown below to Baker & McKenzie and hereby grants their power of attorney to the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.

**Customer Number: 009629**

Please direct all telephone inquiries to:

Erich E. Veitenheimer, III  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 739-3000

Certificate under 37 C.F.R. 3.73(b)

Gradipore Limited, certifies that he is the assignee of the entire right, title and interest in the patent application identified above. As assignment from the assignor of the patents and patent applications identified above was recorded as indicated above. To the best of the undersigned's knowledge and believe, title is in the assigned identified above.

I hereby declare that all statements made herein on my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001. Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Gradipore Limited

Kailing Wang  
Signature

KAILING WANG  
Name

CHIEF SCIENTIFIC OFFICER  
Title

Date: 31/01/05



56104576-26

**DECLARATION AND POWER OF ATTORNEY**

As the below named inventor, I hereby declare that:

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PP7906	AU	12/23/1998	NO

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**PRIOR PROVISIONAL APPLICATION(S)**

Application Number	Filing Date
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- None -

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Application No.:	Country:	Filing Date:	Certified Copy Attached?
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09/470,823	US	12/23/1999	NO

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And I hereby appoint James David Jacobs (Reg. No. 24,299), Frank M. Gasparo (Reg. No. 44,700) and Eunhee Park (Reg. No. 42,976) as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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Customer Number 26453  
BAKER & McKENZIE  
805 Third Avenue  
New York, New York 10022

Please direct all telephone calls to Frank M. Gasparo at (212) 751-5700.

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First Inventor: **Brendon Conlan**

Inventor's Signature: B. Conlan

Date: 1/3/02

Residence: 14/19-21 Murrumbidgee Street, Lane Cove  
Sydney, NSW, 2066  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Second Inventor: **Tracey Ann Edgell**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Unit 2, 7 Holborn Avenue  
Dee Why, NSW 2099  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Third Inventor: **May Lazar**

Inventor's Signature: May Lazar

Date: 8/3/2002

Residence: 14 Hamersley Street  
Fairfield West, NSW 2165  
Australia

Citizenship: Australia

Post Office Address: Same as above.

Additional inventors are being named on page 4 of 4.

M.L. 8/3/02  
25 Woodlake Court  
Wattle Grove NSW 2173  
Australia

**Fourth Inventor:      Chenicheri Hariharan Nair**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence:            80 Tomac Avenue  
                         Old Greenwich, CT 06870  
                         US

Citizenship:          Australia

Post Office Address: Same as above.

**Fifth Inventor:          Elizabeth Jean Seabrook**

Inventor's Signature: E. Seabrook

Date: 1.3.02

Residence:            Unit 8, 4-6 Lynvale Close  
                         Lane Cove, NSW 2066  
                         Australia

Citizenship:          Australia

Post Office Address: Same as above.

**Sixth Inventor:          Thomas Norman Turton**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence:            Unit 14, 40 Gerard Street, Cremorne  
                         Sydney, NSW, 2090  
                         Australia

Citizenship:          Australia

Post Office Address: Same as above.

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